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1928.

Department of L R & Sett

OFFICE Board of Revenue

STATION Madras

Misc No. 3893

Dated 19-11-28

To whom sent

Pages in the file

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(SUBJECT.)

VOs (Kanara South) headmen - issue of civil warrants of arrest - placing under suspension - Collector's reference - orders passed

*Not to be filled in in the case of permanent records.

Ref.A.2-8766-28

BOARD OF REVENUE
MADRAS
24 OCT 1928
LAND REVENUE & SETTLEMENT

South Kanara Collector's Office,
Mangalore, 19th October 1928.

A 4280

From

G.W. Wells, Esquire, M.A., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue and Settlement,
Madras.

Sir,

Village Officers - Headmen - Issue of civil warrants of arrest - Placing under suspension - Instructions solicited.

*****

p2 VOs manual

Under paragraph 6 of the Village Officers' Manual, Village Officers declared insolvent under the Insolvency Act on account of acts of extravagance etc. are liable to be suspended, or even dismissed from service.

2. Instances of Village Officers having recourse to the benefit of the Insolvency Act are rare; but there are instances where civil warrants for the arrest of Village Officers for realisation of the amounts of decrees obtained against them are issued by the civil courts and intimations thereof are received by the Tahsildars of the Taluks within whose jurisdiction the Village Officers hold the posts. The point is whether it is desirable to allow such Village Officers to continue in the responsible posts which they hold, when such warrants are pending against them. If the warrant is against a Karnam, or Shanbhogue, I think no deterrent action is immediately called for; but the case of Headmen or Potails is quite different, as there is the chance of their misappropriating government money, though temporarily, in order to pay the amount of a decree. It does not seem desirable to allow the Headmen or Potails to continue to hold the post when such

civil warrants are issued against them. I think that it is necessary to place them under suspension immediately on receipt of the intimations of the issue of civil warrants from the courts. As, however, I cannot find any rule or order on the subject, I solicit the Board's orders.

Your obedient servant,

For Collector.

M.S.R./22.10.28.

22.10.28

R. F. XXII-A-19.—22,004 1-2-28. (6)

Subject.—

FOR MEMBER.

VOS (Kanara South). headman issue of Civil Warrants arrest. placing under suspension - Collector's reference orders passed.

READ AGAIN B. P. No. ______ dated ______ 192 .

" " " ______ , " ______ 192 .

READ ALSO :—

Register No. ______ , From the A4280.28 No. 714 — Q. , dated ______ 192

" " ______ " " " ______ , " ______ , " ______ 192 .

" " ______ " " " ______ , " ______ , " ______ 192 .

RESOLUTION. Misc No. 3893, dated 19-11-1928

The Board observes that unc §122 CPC. the High Court h made a rule that whenever a Civil Court issues a warran for the arrest of a public servant notice ~~is~~ in writing of the intended arrest shd ~~shall~~ be sent by the Court issuing the warrant to the immediate official superior of the person to be arrested× On receipt of such intimation in regard to a village headman, the tahsildar should enquire as to the result of the proceedings. If th

× and that the notice should be delivered to the Official Superior before the warrant is executed by the process server or bailiff to whom the warrant is entrusted for execution except in certain cases.

[illegible] into the
headman arrested, he may be
granted leave if he applies for it.
he does not apply for leave, he
should be placed under
suspension for absence without
leave, and a notice sent to him
appear as soon as possible
his release before the tahsildar
~~and explain~~ submit explanation
his conduct. The leave or
suspension will continue till he
appears. The Board considers
that it ~~should~~ cannot not be presumed
a matter of course that the
issue of a civil warrant of
arrest against a village headman
evidence of his bad character.
each case should be disposed
of on its merits after taking
the explanation of the headman

19.11.62

ON/57128

To the Collector of South Kanara

M,
8
A8(d/R)

VOs (Kanara South) headmen issue of Civil warrants of arrest placing under suspension.

with VOs' manual & Civil Rules of Practice kept back in office

A 4280.28 p.1 cf

To AS

Please see the reference from the Collector of South Kanara at p1 cf

The Collector suggests that he may be permitted to suspend headmen against whom Civil Warrants of arrest have been issued, for an indefinite term as there is a chance of their misappropriating Government money in order to pay the amount of a decree.

Ms 1516 ⑨.
8.5.28

2/ In the Case of a Karnam in the East Godavari district who was ordered to be on leave till certain Stamp duty awarded to Government in pauper suit was paid by him the Board Cancelled the order and ordered his immediate restoration. In the present reference, the Collector recommends the suspension of headmen and not of Karnams as such a course is desirable in the interests of administration.

Suspension for an indefinite term appears to be undesirable

For orders. Insolvency is not specifically

Rov
30.10.28

CHVNARASIMHARAO.

Mentioned as a ground of punishment in Sec 7 of Act III of 1895. p 761 Madras Code Vol II

It can only be brought under ~~for any~~ other sufficient cause in Sec 7. The ex- note Sec 16(2) p 753 do —
pression however does not occur in Act II of 1894. The VOs Manual
merely states that VOs declared insolvents under the Insolvency Act
on account of extravagance are liable to be suspended etc. and eventually dismissed.
It however throws no light on the question raised by the Collr
The Collr's idea seems to be that in the case of ~~VOs~~ headmen against whom
warrants of arrest for the realization of decretal amounts are issued
should be automatically placed under suspension as they may be
tempted to commit misappropriation of Govt money in their hands.
It is doubtful if such a course is necessary. Every warrant of
arrest need not necessarily mean misappropriation. Generally
there will be attempts to evade the arrest. The arrest also
may not be authorised or the lower Court's decision may be
set aside on appeal. An appeal does not necessarily involve
the suspension of execution of the decree.

Further suspension for an indefinite term — which the Collr
seems to propose — is objectionable.

4-11-28 Put up the Civil Rules of Practice

1-11-28

Today M 1-11-28

To AS.

AS(LR)

The book is herewith put up.

1-11-28 To Secy. under §122 CPC the High Court
has made a rule that whenever a Civil Court
issues a warrant for the arrest of a public
servant notice in writing of the intended arrest
shall be sent by the Court issuing the warrant
to the immediate official superior of the person

The Civil Rules of Practice & Circular Orders Vol I page 148.

to

to be arrested, and that the notice shall be delivered official superior before the warrant is executed by process server or bailiff to whom the warrant entrusted for execution &c. In the case of V.O's, intimation is sent to Tahr. The obj of the rule is apparently to enable the offic superior to arrange for the relief of the Govt. servant concerned and for ~~[illegible]~~ the appoin of another ~~arrangements~~ for carrying on his work. The Govt. servant is practically suspended fro duty. ~~There is no objn to~~ In the case of V.O there seems to be no objn. to treating the period of their absence from duty necessit by their arrest as one of suspension.

[illegible]
3. 11. 19

I agree
BW
3/11

Mr [illegible] please pass orders

in absence of Mr.
BW
6/11

On receipt of intimation of the issue of an arrest warrant agst a v.m. the Tahr. shd enquire as to the result of the procgs.

9/10

No notice shd as a rule be taken of the mere issue of warrant of arrest. If the warrant is executed & the v. headman arrested, he may be granted leave if he applies for it. If he does not, he should be placed under suspension for absence without leave, and a notice sent to him to appear as soon as possible after his release before the Collector & explain.

~~H.E.~~ He ~~cannot be prosecuted~~ — the ~~suspension~~ may leave or suspension with certain till he appears.

is a matter of course; that the signed [illegible] of various questions against a v. headman is evidence of his bad character. Each case should be disposed of on its merits after taking the explanation of the headman.

AS(dR)

To AS (dR)

Draft submitted
19.11.26

[illegible] 15/11/28